

Washington Department of Fish and Wildlife
Additional Terms for Requests for Quotation and Field Orders

These terms are in addition to those terms contained in Section I (Standard Definitions revised 06/02/03) and Section III (Standard Terms and Conditions revised 07/31/06), as revised by WDFW, of the Competitive Procurement Standards published by the Department of Enterprise Services. To the extent these terms and conditions conflict with those terms and conditions contained in Section III of the Competitive Procurement Standards published by the Department of Enterprise Services, as revised by WDFW, the terms and conditions set forth in this document control.

1. Prevailing Wage. If work performed by Vendor employees is subject to Chapter 39.12 of the Revised Code of Washington, the Vendor shall pay the prevailing rate of wages to all Vendor workers, laborers or mechanics in the performance of any part of the work described in the contract in accordance with state law and Department of Labor and Industries rules and regulations. The Vendor shall comply with the filing requirements required by this statute, including Statement of Intent to Pay Prevailing Wage, and Affidavit of Wages Paid.
2. Procurement Complaint Process. Vendors considering submitting a bid or proposal in response to any request for bids, request for qualifications, request for proposals or any solicitation for goods and services under RCW 39.26 may submit complaints regarding a particular solicitation to the WDFW solicitation point of contact. Vendors may submit a complaint on the following for any solicitation:
 - The solicitation unnecessarily restricts competition;
 - The solicitation evaluation or scoring process is unfair or flawed; or
 - The solicitation requirements are inadequate or insufficient to prepare a response.

All complaints submitted under this process must:

- Be in writing;
- Be received by the WDFW solicitation point of contact by e-mail not later than five business days before the vendor's response to a solicitation is required to be submitted to WDFW.
- Clearly articulate the basis for the complaint; and
- Include a proposed remedy.

WDFW will respond to complaints in writing and post the response (and any changes to the solicitation required by the response) on WEBS. Vendors may not appeal the response or raise the same complaint during any protest period.

3. Procurement Protest Process. RCW 39.26.170 requires WDFW to have a clear and transparent complaint process that allows bidders to submit protests after the announcement of the apparent successful bidder (ASB). The purpose of this process is to allow WDFW to correct evaluation process errors and problems before a contract is executed. After the announcement of the ASB, the WDFW solicitation point of contact must offer a debriefing conference to any bidder upon request. Bidders must request a debriefing conference within three (3) business days after the ASB is announced. In order to submit a protest for a solicitation:
 - The bidder must have submitted a response for that solicitation;
 - The bidder must have participated in a debriefing conference for that solicitation;
 - The protest must be received by the WDFW solicitation point of contact by e-mail or letter within (5) business days after the bidder's debriefing conference; and

- The protest must be in writing and clearly articulate the basis for the protest.

Bidders may submit a protest on the following issues for a solicitation:

- A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
- Errors in computing the scores; or
- Non-compliance with procedures described in the procurement document or agency protest process.

The WDFW Chief Financial Officer is responsible for investigating and responding to the protest in writing within 10 business days from receipt of the protest, unless additional time is needed. If additional time is needed the WDFW Chief Financial Officer will notify the protesting bidder within 10 business days from receipt of the protest. The WDFW Chief Financial Officer's decision regarding a protest is final.

4. Statewide Vendor Registration. The Vendor is required to be registered in the Statewide Vendor Payment System prior to submitting a request for payment under this contract. The Washington State Department of Enterprise Services (DES) maintains the Statewide Vendor Payment System; to obtain registration materials contact the Statewide Payee Desk at (360) 407-8180; or go to <http://des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>.
5. Filing Requirement. Contracts/orders may be required to be filed with the Department of Enterprise Services (DES). No contract/order required to be so filed is effective and no work shall be commenced nor payment made until ten (10) business days following the date of filing and until approved by DES. In the event DES fails to approve the contract, the contract shall be null and void.

Additional Terms for Federally-Funded Purchases (if applicable):

6. Central Contractor Registration and Data Universal Numbering System (DUNS). Unless exempt under 2 CFR 25.110, the Vendor shall comply with 2 CFR 25 and be registered in the federal Central Contractor Registration (CCR) system; maintain an active CCR registration with current information at all times during the period of performance for this order or contract; and provide its DUNS number to WDFW when requested.
7. Buy American Act. The Vendor shall comply with 41 USC 10a-10c (the "Buy American Act") by purchasing only American-made equipment and products with order or contract funds except articles, materials, and supplies — a) for use outside the United States; b) for which the cost would be unreasonable, as determined in accordance with federal regulations; c) for which WDFW determines that domestic preference would be inconsistent with the public interest; or d) that are not mined, produced, or manufactured in the United States in sufficient and reasonable available commercial quantities, of a satisfactory quality.
8. Davis-Bacon and Related Acts. If the work performed by Vendor employees is subject to the Davis Bacon Act and Davis-Bacon prevailing wage provisions contained in applicable federal laws, the Vendor shall a) pay at least once per week wages to Vendor laborers and mechanics at a rate not less than the minimum wages specified in wage determinations made by the U.S. Department of Labor; and b) provide to WDFW each week U.S. Department of Labor Form WH-347 "Payroll (For Contractors Optional Use)" stating the wages paid to Vendor laborers and mechanics engaged in work under this order or contract. Should wage determinations made by the U.S. Department of Labor conflict with

the prevailing wage rates established by the Washington State Department of Labor and Industries, the Vendor shall pay Vendor laborers and mechanics at a rate not less than the higher of the two rates.

9. Drug-Free Workplace. The Vendor shall comply with the Drug-Free Workplace Act of 1988, 41 USC 701-707, as amended. Compliance with the Drug-Free Workplace Act includes publishing a drug-free workplace statement and establishing a drug-free awareness program for Vendor employees; and taking actions concerning Vendor employees who are convicted of violating drug statutes in the workplace. The Vendor shall provide written notice of a conviction of a Vendor employee of a drug violation in the workplace to WDFW within seven (7) calendar days after the Contractor learns of the conviction.
10. Federal Debarment and Suspension. The Vendor certifies that neither it nor its "principals" (as defined in 49 CFR 29.105) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Further, the Vendor agrees not to enter into any arrangements or other contracts with any party that is on the "List of Parties Excluded from Federal Procurement or Non-procurement Programs" which can be found at <https://www.sam.gov/portal/public/SAM/>.
11. Federal Restrictions on Lobbying. The Vendor certifies that under the requirements of Lobbying Disclosure Act, 2 USC, Section 1601 et seq., no Federal appropriated funds have been paid or will be paid, by or on behalf of the Vendor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
12. Texting While Driving. The Vendor shall adopt and enforce policies that ban text messaging while driving Vendor-owned vehicles or privately owned vehicles being used to provide goods and/or services under this order or contract.
13. Trafficking Victims Protection Act. As described in 2 CFR Part 175 WDFW may terminate this order or contract, without penalty, if the Vendor is found to be in violation of the Trafficking Victims Protection Act of 2000.